



DEPARTMENT OF STATE

Washington, D.C. 20520

BUREAU OF HUMAN RIGHTS
AND HUMANITARIAN AFFAIRS

March 14, 1981

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Congressional
PCOU Hearings
(non-budget)MEMORANDUM

TO: HA - Dr. Lefever
Ambassador Bradford
Mr. Sarros
Ms. Tull
HA/HR - Michael Bache
Hugh Simon
David Carpenter
H - Ms. Warren
Ms. Williams

FROM: HA - Stephen Palmer, Acting *SP*

SUBJECT: Bonker Subcommittee Hearing on 1980 Country Reports on Human Rights Practices, March 12

Herewith is a summary record of the subject hearing, prepared by Woody Romine, together with a copy of Chairman Bonker's opening statement.

We can provide copies of Ms. Derian's prepared statement to those of you who do not have a copy and would like one. We expect to have copies of statements made by one or two other witnesses in the next few days.

Attachments
As stated.



DEPARTMENT OF STATE

Washington, D.C. 20520

March 13, 1981

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting of the Subcommittee on Human Rights and International Organizations for Purposes of Evaluating the State Department's Annual Country Reports on Human Rights Practices

LOCATION: Rayburn Building, Room 2220, March 12, 1981

COMMITTEE MEMBERS PRESENT:

Don Bonker, Chairman
Jim Leach, Ranking Republican Member
Benjamin Rosenthal
Michael Barnes (very briefly)
Mervyn Dymally

The Subcommittee heard six witnesses who are as follows:

Hon. Patt Derian, former Assistant Secretary of State for Human Rights and Humanitarian Affairs

Michael H. Posner, Executive Director, Lawyers Committee for International Human Rights

Aryeh Neier, Member of the Board, U.S. Helsinki Watch Committee

Louis Henkin, Professor of Law, Columbia University

Raymond Gastil, Director, Comparative Study of Freedom, Freedom House

Hyman Bookbinder, Washington Representative, American Jewish Committee

The meeting can be summarized as follows: The human rights reports have improved steadily and are very good this year. They are very useful to Congress, to other organs of government and to private organizations as a primary source of information on human rights questions, as a forthright statement of U.S. concern and interest in human rights and as a diplomatic tool which can be used in our relations with other governments.

This year's reports should be a model for future efforts both in form and substance. Chairman Bonker stressed particularly the value of the section on "government policies relating to the fulfillment of such vital needs as food, shelter, health care and education", and of the section on

government attitudes toward outside investigations of internal human rights conditions. The legislation requiring the reports is a result of bi-partisan interest in human rights. This fact should be borne in mind by the new Administration.

Chairman Bonker expressed his hope and belief that human rights matters would continue to occupy an important place in the Administration's foreign policy formulation. He reminded the Administration that the defense of human rights had always been a bi-partisan matter in Congress. Certain witnesses were less sanguine in their assessment of the Administration's intentions in the human rights field.

Ranking Republican Leach defended the Administration's position and stated that human rights is a continuing concern of the President and his administration. A summary of the testimony of the witnesses follows:

Ms. Derian began the hearing with an 18-page statement on the background and the development of the reports. The purposes of the report, she stated, are to give a clear picture of the state of human rights practices and circumstances during one calendar year for 162 countries. They are prepared as carefully and objectively as possible and include sections on integrity of the person, fulfillment of social and economic needs and the enjoyment of civil and political liberties. She stressed that no comparable document is published elsewhere. The primary use of the report, she said, is to provide members of Congress with essential information which will allow them to vote in an informed manner on "developmental, economic and security assistance." The reports have also been useful in bringing the human rights situation in various countries of the world to the attention of officers in the Department of State. The reports also make information on the human rights situation throughout the world available to the general public and to the press. They are often carefully scrutinized by the leaders of foreign countries who clearly understand that these reports are of decisive importance to the U.S. Congress in deciding what countries will receive the help of American taxpayers' dollars.

In her discussion of how the reports are prepared, Ms. Derian stressed the continuing efforts made to improve the reports and in particular section II on government policies relating to the fulfillment of vital social and economic needs. She concluded that the reports are non-polemical, non-political and invaluable.

She expressed her concern that the Reagan Administration does not appear to "grasp the nature of the human rights law" and seems to be on the way to downgrade human rights by concentrating on international terrorism. She believed that the reports should be improved, not discontinued and she urged the subcommittee to continue its practice of holding frequent

meetings on human rights conditions which will keep the Congress and the public current on the subject and give the new Administration a forum for expressing its views.

Chairman Bonker thanked Ms. Derian for her testimony and stated that the reports are useful in describing not only political but economic and social conditions. He said he is fully committed to the continuation of the reports and said that the Reagan Administration must understand that the reports, which are a cooperative effort between the Executive and Congress, will be continued. ✓

Ranking Member Leach stated that he wished to recall that human rights were not discovered by the previous administration and that the Reagan Administration strongly supports the human rights program. He added that this is true even though he has "personal doubts" about some persons chosen to lead this effort. He questioned whether the reports should be prepared and published by the U.S. Government. He would prefer a study being done by an organization such as Freedom House. He stressed that questions of relativity arise in discussing human rights and that there may be a danger of placing too much emphasis on human rights in relation to other foreign policy considerations.

He recalled that the previous administration had not always given straightforward answers about the human rights situation. For instance, the administration had denied that the Laotians had used chemical weapons in putting down a tribal revolt in that country. He stated that an assistant secretary had claimed no knowledge of such use, although it was common knowledge that the Laotians had used chemical weapons. Ms. Derian expressed her astonishment that an assistant secretary had said this.

She reiterated her hope that human rights should not be downgraded and that we not help people to oppress others. Congressman Leach replied the question is how best to carry out such a policy--whether one wears human rights on one's sleeve or whether one quietly pursues one's objectives. He added, however, that he would not advise the present administration to wear anti-human rights on its sleeve. Ms. Derian replied that she hoped legislation would be maintained and that she was heartened by Congressman Leach's comments. Chairman Bonker stated that the policy which has been formulated in the subcommittee has been bi-partisan and that this should be clearly understood. He then asked two questions: Whether the reports prepared on friendly countries were disruptive to our relations and how reports are prepared on countries with which we have no relations.]

Ms. Derian stated that the first reports were sometimes disruptive to our relation with certain countries. Some such as Brazil gave up aid from the U.S. Since then (1977) not much strong reaction has occurred and no countries have broken diplomatic relations with us.

As for countries with which the U.S. has no relations, and where we have no representation reports are prepared from such sources as may be available. On countries such as Albania reports are shorter since there is less information. On others such as North Korea on which there is abundant public information reports are longer.

Michael Posner stated that his committee monitors the administration of the U.S. human rights policy and prepares critiques of the reports. The value of the reports, he stated, is that they show that Congress has made it U.S. policy to promote human rights throughout the world. Secretary Haig, he said, supports this policy. The annual reports have many new uses. In particular, their information on the situation in Eastern Europe should be a great aid to consular officers and to the INS in determining the validity of claims for refugee status or asylum.

While the reports have vastly improved in five years, he believed they are selective on certain issues and that they understate the situation in many countries such as in Syria or the USSR. He asserted that the situation of the Jews in the USSR was underreported. The reports should be maintained, including the economic and social section, and their accuracy and objectivity improved. One officer should be assigned primary responsibility for the reports and given special training in preparing them. He opposed discontinuing the reports by the State Department, but said other agencies could supplement them.

Aryeh Neier stated that his committee monitors governmental practice with respect to the human rights sections of the Helsinki Accords. In this connection he stated that the reports on Eastern European countries are invaluable because they disseminate information on non-compliance of those governments with the human rights provisions of the Helsinki Agreements. The dissemination of these reports by the U.S. government affords a great measure of protection to many people in Eastern Europe. Their discontinuation would be a great blow to these people. He stated that he would like to see a wider use of names of persons persecuted by their governments in the reports. He felt this would afford individuals greater protection from persecution.

Louis Henkin urged Congress to maintain legislation on the reports. The reports, he stated, are a matter of controversy not so much between political parties as between branches of government. The executive branch does not support public reports with the same degree of enthusiasm as Congress. The

executive branch does not like public diplomacy as characterized by the reports. Nevertheless, the reports have helped us in countries such as South Africa and have given us a tool to use against the USSR. They are widely recognized as helpful in the promotion of human rights.

He stated that the compilation of the reports is not an intervention in the internal affairs of other countries as is often claimed. It is not unlawful to criticize other countries and any country in the world may determine its policies in any way it chooses including the preparation of public reports on other countries. The reports serve needs other than congressional ones. They can aid the Attorney General in making determinations as to who should be deported. They are extremely useful to bodies and groups interested in human rights. They are invaluable to scholars and students. While the reports are not perfect and should be improved, he expressed the hope that Congress will insist that the reports be continued.

Raymond Gastil stated that the reports have steadily improved in completeness and objectivity and are a major source of information to the Congress and to human rights organizations. They have certain weaknesses which should be corrected. Some reports tend to "white wash" the countries concerned. No one would ever be aware of the hostility of the French government to the press by reading the human rights report, he said. Some reports are distorted. Government oppression and denial of civil and political rights often are justified in terms of the need to press forward with economic development. Nevertheless, he feels the reports send a message to the world that the U.S. is interested in human rights everywhere. That alone is invaluable.

Hyman Bookbinder stated that the United Nations organization is guilty of selective morality and this is one compelling reason for the United States to continue the publication of these reports. Preparation should not be delegated to private organizations that do not have the resources which can in any way compare to those of the United States. He complained, however, that even the U.S. reports give some indication of selective morality when they devote 19 pages of commentary to Israel whereas only 15 are given to the Soviet Union.

Mr. Bookbinder expressed his regret at the downgrading of human rights by some members of the Administration. He stated that Ms. Derian's replacement in the Bureau of Human Rights and Humanitarian Affairs had made clear that all references to human rights should be removed from statutes dealing with aid and relations with other countries.

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Committee on Foreign Affairs

SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS

OPENING STATEMENT

HONORABLE DON BONKER

MARCH 12, 1981

As part of our foreign assistance review, this is the first of two hearings to evaluate the State Department's annual Country Reports on Human Rights Practices. According to Section 502B(b) and 116(d)(1) of the Foreign Assistance Act, the State Department is required by the Congress to prepare these reports on every country on an annual basis.

In my judgment these annual reports are a vital part of our human rights policy. The preparation of accurate and objective reports is essential if that policy is to have any meaning.

Since their inception in 1976, the reports have improved considerably both in their comprehensiveness and objectivity. The Bureau of Human Rights and Humanitarian Affairs and its former head Patt Derian, should be commended for this year's report. Critics and supporters agree that in this report there are fewer examples of selective omissions and misleading emphases. As the reports continue to get better, this year's report should become a model for future years, both in terms of substance and format. The organization of the reports into four sections is excellent.

The section on "Government Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education" is much improved over previous years. Also very helpful is the fourth section concerning the government's attitude towards outside investigations of internal human rights conditions.

Committee on Foreign Affairs

Honorable Don Bonker

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For the second year in a row, these reports cover every country in the United Nations rather than only those which receive our economic and military assistance. This gives the Congress a more balanced view. As the reports become more comprehensive, they become more valuable to the Members of Congress as a vital source of information on the status of internationally-recognized human rights in any given country around the world.

Chairman referred his differences

It was disconcerting to note that this year's report was held up because of the visit of South Korea's president. This action should not become a precedent. It is important that we do all we can to preserve and improve the objectivity and integrity of these reports.

We have asked our witnesses to comment on the substance, process, format, usefulness, strengths and weaknesses of these reports. We also want to know what can be done to make them even better in future years.

Testifying are:

Hon. Patt Derian, former Assistance Secretary of State for Human Rights and Humanitarian Affairs.

Michael H. Posner, Executive Director, Lawyers Committee for International Human Rights.

Aryeh Neier, Member of the Board, U.S. Helsinki Watch Committee

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